

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5796 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KIRANSINH TAKHATSINH PARMAR

Versus

INDRAVADAN J DESAI OR HIS SUCCESSOR

Appearance:

MR CB DASTOOR for Petitioners

MR AD OZA for Respondent No. 1

None present for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/09/98

ORAL JUDGEMENT

Shri C.B. Dastoor states that the petitioners have already approached to the Labour Court by filing Reference Application in which the prayer has been made for regularisation of their services and as such, this writ petition is to be dismissed on the ground that the petitioners have availed of alternative remedy. Learned counsel for the petitioners however states that this

Court has protected the petitioners by grant of interim relief and this interim relief may be ordered to be continued for three months and Court may give direction to the Labour Court, where the subsequent application initiated by the petitioners is pending, for early decision of the same. Learned counsel for the petitioner next submitted that in Reference Application the evidence of the parties have already been completed and the arguments are to be heard and the application has to be decided.

In view of this statement of the learned counsel for the petitioners, it is hereby ordered that this special civil application is dismissed on the ground that the petitioners have already approached to the Labour Court in the matter of regularisation of their services. The petitioner have been protected by this Court. The interim relief which has been granted by this Court in this special civil application shall continue till the matter is decided by the Labour Court concerned. It is hereby ordered that the Labour Court shall decide the matter i.e. the Reference Application filed by the petitioners within a period of three months from the date of receipt of writ of this order. Rule is discharged subject to aforesaid directions.

zgs/-